IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

COMPANY PETITION NO.579 OF 2004

Ashapura Claytech Limited ..... Petitioner
vs.
M/s. Columbia Petrochemicals P.Ltd. ..... Respondent

Shri A.J. Almeida for the petitioner.
Shri N. Engineer i/b. Divya Shah and Associates for the company.

CORAM: S.U. KAMDAR, J.

DATE : 24TH MARCH, 2005.

P.C. :

1. The present petition is filed for recovery of an outstanding claim arising in respect of the goods sold and delivered. From the record it is clear that even before the demand is raised by the petitioner the respondent company has raised a defence that the goods supplied are defective and not of the required description and that they have called upon the petitioner to take notice that they are claiming the amount towards the said claim for defective materials. In response to the said

letter a statutory notice has been issued by the petitioner against the company. There are bonafide disputes in the present petition. In view thereof the petition stands dismissed.

sd/-

****